REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made hercin.

Claims 1-13 and 15-20 are pending and stand rejected. Claims 1 and 18 are independent claims. Claims 1, 2, 15, and 17 have been amended. Claims 12 and 18-20 have been cancelled

1. Claims 15 and 17 are objected-to for allegedly containing informalities.

Applicant thanks the Examiner for his observation and has amended the claims as suggested.

With the incorporation of the suggested amendments to the claims, applicant respectfully requests that the objection be withdrawn.

2. Claims 1, 2 and 18-20 stand rejected under 35 USC § 103(a) as being unpatentable over Song et al (US 2004/0033076) in view of Oberg (UP Pub Appl. No. 2005/0084262) and in view of Van Deventer (USP no. 5,886,801).

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, applicant has elected to amend the claims to recite that at either the central office or any remote node, optical signals added are different in wavelength from dropped optical signals. No new matter has been added. Support for the amendment may be found at least on page 7, lines 9-10. In addition, the subject matter of claim 12 has been added to claim 1.

In accordance with the amended claim 1, an optical signal added in a central office and a remote node is different in wavelength from an optical signal dropped in the central office and the remote node. That is, in a remote node of the ring network

proposed by the invention, two bidirectionally-added optical signals are identical to each other in wavelength and two bidirectionally-dropped optical signals are also identical to each other in wavelength. However, the wavelength for adding is different from the wavelength for dropping. In other words, optical signals bidirectionally received at an add/drop multiplexer are identical to each other in wavelength and optical signals bidirectionally transmitted from the add/drop multiplxer are also identical to each other in wavelength.

In rejecting the independent claims, the Examiner has referred to the Song reference as teaching a high-priority signal and a low priority by transmitting a normal signal (in a first direction) and a redundant signal (in a second direction) (see OA, page 3, lines 15-17). The Examiner refers to Song teaching that the signal transmitted by TX1 and Mux1 (Figure 6 of Song) as representing a high-priority signal because this signal is designated as a normal signal and the signal transmitted by TX2 and Mux 2 (Figure 6) a low-priority signal because this signal is designated as a redundancy signal.

However, Song fails to teach that wavelengths that are added or dropped are different as is now recited in the claims.

Under US Patent Law, a claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

The combination of the cited references fails to render obvious the base claims, as amended, because the combination of the references fails to disclose all the elements recited in the claims. None of the references teach that the high and low priority signals have different modulation information, as recited in the claims.

For at least this reason, applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

3. Claims 3-5 and 12, 13 and 15-17 stand rejected under 35 USC § 103(a) as being unpatentable over Song et al (US 2004/0033076) and Oberg et al (US 2005/0084262) as applied to claims 1-2 above, and further in view of Van Deventer (USP no. 5,886,801) and further view in of Arecco (USP no. 6,400,476).

The aforementioned claims depend from an allowable based claim and are thus are also allowable by virtue of their dependency from an allowable base claim.

Accordingly, applicant respectfully requests that the rejection be withdrawn.

4. Claims 6-11 stand rejected under 35 USC § 103(a) as being unpatentable over Song et al (US 2004/0033076) and Oberg et al (US 2005/0084262) and Van Deventer (USP no. 5,886,801)and Arecco (US 6,400,476) as applied to claims 1-3 above, and in further view of Fang et al (US 6,504,963).

The aforementioned claims depend from an allowable based claim and are thus are also allowable by virtue of their dependency from an allowable base claim.

Accordingly, applicant respectfully requests that the rejection be withdrawn.

For all the foregoing reasons, it is respectfully submitted that all of the present claims are patentable in view of the cited reference. A Notice of Allowance is respectfully requested.

Reconsideration
Serial No. 10/771,603

Docket No. 5000-1-511

Should the Examiner deem that there are any issues, which may be best, resolved by telephone communication, please contact Applicant's undersigned Attorney at the number listed below.

Respectfully submitted,

CHA & REITER

By: Steve S. Cha
Attorney for Applicants

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Mail all correspondence to:
Steve S. Cha
CHA & REITER
210 Route 4 East, #103
Paramus, NJ 07652
Tel. (201) 226-9245
Fax. (201) 226-9246

SC/cg